1991 No. 262

AGRICULTURE

HORTICULTURE

Farm and Conservation Grant (Amendment No. 2) Scheme (Northern Ireland) 1991

Made	*24th June 1991*
Coming into operation . .	*18th July 1991*

The Department of Agriculture, in exercise of the powers conferred on it by Article 16(1) and (2) of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(**a**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel, hereby makes the following Scheme:

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Farm and Conservation Grant (Amendment No. 2) Scheme (Northern Ireland) 1991 and shall come into operation on 18th July 1991.

(2) In this Scheme—

"the principal Scheme" means the Farm and Conservation Grant Scheme (Northern Ireland) 1989(**b**).

Savings

2.—(1) Article 4(*b*) and (*e*) of this Scheme shall not apply—

(*a*) in relation to any claim for grant under the principal Scheme received by the Department before 18th July 1991, or

(*b*) in relation to any claim for grant under the principal Scheme towards expenditure incurred before 18th December 1990,

and those provisions of this Scheme shall not affect the operation of the principal Scheme in relation to any such claim for grant.

(2) Articles 4(*a*) and (*c*), 5(2) and 6 of this Scheme shall not apply in relation to any claim for grant received by the Department before 18th July 1991, and those Articles shall not affect the operation of the principal Scheme in relation to any such claim for grant.

Amendment to the principal Scheme

3. Subject to Article 2 the principal Scheme shall be amended in accordance with Articles 4, 5 and 6.

(**a**) S.I. 1987/166 (N.I. 1)
(**b**) S.R. 1989 No. 38 as amended by S.R. 1990 No. 226 and S.R. 1991 No. 21

4. In Article 2 (interpretation)—

(*a*) after the definition of ''agricultural business'' there shall be inserted the following definition:

'' ''beneficial organism'' means any creature bred or kept for its use in the control of infestation of horticultural produce by pests;'';

(*b*) in the definition of ''designated maps'' for ''4th April 1984'' there shall be substituted ''8th May 1991'';

(*c*) in the definition of ''glasshouse'', after the words ''horticultural produce'' there shall be inserted ''or beneficial organisms'';

(*d*) in the definition of ''improvement plan'' after ''1987'' ''or'' shall be omitted and after ''1989'' there shall be inserted ''or the Farm and Conservation Grant Regulations (Northern Ireland) 1991;''(**a**); and

(*e*) for sub-paragraph (*a*) of the definition of ''less-favoured area'', there shall be substituted the following sub-paragraph:

''(*a*) which is situated in an area included in the list of less-favoured farming areas adopted by the Council or the Commission of the European Communities under Article 2(2) of Council Directive 75/268/EEC(**b**) on mountain and hill farming and farming in certain less favoured areas, as amended by Council Directive 80/666/EEC(**c**), which list is contained in Council Directive 84/169/EEC(**d**), as amended by Commission Decision 91/25/EEC(**e**), and''.

5.—(1) In Article 4(1) (restrictions on payment of grant)—

(*a*) in sub-paragraph (*d*), for the words from ''reference quantity'' to the end of the sub-paragraph there shall be substituted the following:

''quota, as defined in the Dairy Produce Quotas Regulations 1989(**f**), of the person carrying on the agricultural business to which the expenditure relates''; and

(*b*) in sub-paragraph (*e*)(i), for the words ''ancillary farm business'' there shall be substituted ''qualifying business''.

(2) In Article 4(3), for the figure ''£35,000'' there shall be substituted ''£42,500'', and for the figure ''£74,000'' there shall be substituted ''£85,000''.

(3) In Article 4(5)—

(*a*) there shall be inserted the following definition:

'' ''qualifying business'' means a business consisting in the pursuit of a qualifying activity where that business is carried on by the person also carrying on the eligible agricultural business on the same or adjacent land;''; and

(*b*) the definition of ''ancillary farm business'' shall be omitted.

(**a**). S.R. 1991 No. 264
(**b**) O.J. No. L128, 19.5.75, p. 1
(**c**) O.J. No. L180, 14.7.80, p. 34
(**d**) O.J. No. L82, 26.3.84, p. 67
(**e**) O.J. No. L16, 22.1.91, p. 25
(**f**) S.I. 1989/380, amended by S.I. 1990/132, 1990/664, 1990/784